

NATIONAL VESSEL MONITORING SYSTEM (N-VMS) DATA NONDISCLOSURE AGREEMENT

BACKGROUND

The National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries) is the lead federal agency for the management and control of VMS. NOAA Fisheries, through its Fishery Management Plans (FMPs), requires some fishing vessels to carry a VMS device as a condition for participating in certain fisheries. A VMS device, which is a satellite-based tracking system, is installed onboard a vessel for purposes that include transmitting the vessel's position and movement history.

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) [16 USC 1881] provides awareness that the collection of accurate VMS data is an essential element for effective conservation, management, and scientific understanding of fishery resources. The MSFCMA encourages fishermen to divulge accurate data with the understanding that this data will be treated as confidential to protect the fishermen's business interests.

As a matter of Coast Guard policy, and in consultation with NOAA Fisheries, VMS data is being shared by NOAA Fisheries with the Coast Guard for the specific purposes of Fisheries Law Enforcement and Search and Rescue. The 2006 reauthorization of the MSFCMA [16 USC 1881a] maintained the confidentiality of VMS data but allowed specific exceptions for disclosure in support of homeland and national security activities. Homeland Security missions are defined in section 888(a)(2) of the Homeland Security Act of 2002 [6 USCA § 468] as Ports, Waterways and Coastal Security, Drug Interdiction, Migrant Interdiction, Defense Readiness, and Other Law Enforcement (EEZ Enforcement -Foreign Fishing).

Any person that, through the course of their assignments and duties with the USCG may have access to VMS information, must sign the following statement of nondisclosure:

STATEMENT OF NONDISCLOSURE

I have read the U.S. Coast Guard Maritime Law Enforcement Manual (MLEM), COMDTINST M16247.1 (series), Chapter 7.E.6, and understand its contents as it pertains to the authorized uses of VMS data.

I will not disclose VMS data unless I am acting in an official capacity and the disclosure is in support of USCG operations that involve Living Marine Resource (Fisheries) Law Enforcement, Search and Rescue, or Homeland Security missions.

I understand that I may be subject to criminal and civil penalties under provisions of Titles 5 U.S.C. 552 and 18 U.S.C. 1905, which are the primary Federal statutes prohibiting unauthorized disclosure of confidential data. I may also be subject to civil penalties for improper disclosure of data collected under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.). I am fully aware of the civil and criminal penalties for unauthorized disclosure, misuse, or other violation of the confidentiality of such data.

Signature: _____ Date: _____ Service/Agency
ID Number: _____

Printed Name: _____ Organization: _____

Note: Completed forms shall be kept on file by the unit for the duration of assignment plus one year for a non-USCG employee whose duties require access or allow access to VMS data via Coast Guard or DoD communication networks. The general public under the FOIA may request completed forms and implementing units should plan for this possibility.